



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,211	10/19/2001	Kazuhiro Satoh	2271/66118	6244

7590 10/05/2005

RICHARD F. JAWORSKI
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

MENBERU, BENIYAM

ART UNIT	PAPER NUMBER
----------	--------------

2626

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,211

Applicant(s)

SATOH, KAZUHIRO

Examiner

Beniyam Menberu

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 8, 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 6-9, filed July 8, 2005, with respect to the rejection(s) of claim(s) 1, 2, and 3 under U.S. Patent No. 5680158 to Yoshida et al and claims 7, 8, and 9 under U.S. Patent No. 5253940 to Abecassis have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of DE 2922006 A1 to Plehn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5680158 to Yoshida et al in view of DE 2922006 A1 to Plehn.

Regarding claim 1, Yoshida et al disclose a communication device comprising: a keyboard used to input literal information(column 9, lines 23-26., lines 38-40. Figure 1, reference 50), wherein a character allocated to each of keys provided on said keyboard can be changed (column 11, lines 4-17) and the character is allocated to each of said keys according to a predetermined keyboard character layouts and wherein said predetermined keyboard character layout is selected from among a plurality of predetermined keyboard character layouts by a user (column 11, lines 9-20).

However Yoshida et al does not disclose:

a recording/outputting unit creating image data to be recorded on a label based on the selected keyboard character layout, recording an image corresponding to the created image data on the labels and outputting the label on which the image is recorded.

Plehn discloses a recording/outputting unit creating image data to be recorded on a label based on the selected keyboard character layout, recording an image corresponding to the created image data on the labels and outputting the label on which the image is recorded (see Abstract).

Yoshida et al and Plehn are combinable because they are in the similar problem area of device with keyboard input.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the keyboard layout image creating system of Plehn with the keyboard system of Yoshida et al to implement printing of keyboard layout selected by a user.

The motivation to combine the reference is clear because keyboard can be replaced accordingly as taught by Plehn using the system of Plehn (see Abstract).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5680158 to Yoshida et al in view of DE 2922006 A1 to Plehn further in view of U.S. Patent Application No. US 2002/0174231 A1 to Surloff et al.

Regarding claim 4, Yoshida et al in view of Plehn teach all the limitations of claim 1. However Yoshida et al does not disclose the communication device as claimed in claim 1, wherein configuration information regarding a configuration of the

communication device is obtained so that said predetermined keyboard character layout is selected according to said configuration information.

Surloff et al disclose the communication device (page 1, paragraph 18) as claimed in claim 1, wherein configuration information regarding a configuration of the communication device is obtained so that said predetermined keyboard character layout is selected according to said configuration information (page 7, paragraph 74).

Yoshida et al, Plehn, and Surloff et al are combinable because they are in the similar problem area of device with keyboard input.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the keyboard layout selection of Surloff et al with the combined system of Yoshida et al in view of Plehn to implement configuration depending keyboard layout.

The motivation to combine the reference is clear because Surloff et al teaches that Internet access can be simplified with the configurable keyboard (page 7, paragraph 74, lines 1-7).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5680158 to Yoshida et al in view of DE 2922006 A1 to Plehn further in view U.S. Patent No. 5523754 to Eisen et al.

Regarding claim 5, Yoshida et al in view of Plehn teaches all the limitations of claim 1. However Yoshida et al does not disclose the communication device as claimed in claim 1, wherein situation information regarding a nation where the communication

device is situated is obtained so that said predetermined keyboard character layout is selected according to said situation information.

Eisen et al discloses the communication device (column 2, lines 45-55) wherein situation information regarding a nation where the communication device is situated is obtained so that said predetermined keyboard character layout is selected according to said situation information (column 4, lines 9-20).

Yoshida et al, Plehn, and Eisen et al are combinable because they are in the similar problem area of communication device with keyboard input.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the keyboard configuration of Eisen et al with the system of Yoshida et al in view of Plehn to implement keyboard configuration with respect to the nation where the communication device is located.

The motivation to combine the reference is clear because Eisen et al teaches that a multi-lingual keyboard is needed because of the different languages spoken in countries (column 1, lines 15-27).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5680158 to Yoshida et al in view of DE 2922006 A1 to Plehn further in view of U.S. Patent Application No. US 2002/0174231 A1 to Surloff et al further in view of U.S. Patent No. 5523754 to Eisen et al.

Regarding claim 6, Yoshida et al in view of Plehn teaches all the limitations of claim 1. However Yoshida et al in view of Plehn does not disclose the communication device as claimed in claim 1, wherein configuration information regarding a

configuration of the communication device is obtained, and situation information regarding a nation where the communication device is situated is obtained, so that said predetermined keyboard character layout is selected according to at least one of said configuration information and said situation information.

Surloff et al disclose communication device wherein configuration information regarding a configuration of the communication device is obtained (Figure 7, reference step 222; page 4, paragraph 45, lines 4-6; page 7, paragraph 74, lines 7-13).

Eisen et al disclose communication device wherein situation information regarding a nation where the communication device is situated is obtained, so that said predetermined keyboard character layout is selected according to at least one of said configuration information and said situation information (column 4, lines 9-20).

Yoshida et al, Plehn, Surloff et al, and Eisen et al are combinable because they are in the similar problem area of device with keyboard input.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the keyboard configuration of Surloff et al and Eisen et al with the system of Yoshida et al in view of Plehn to implement keyboard layout depending on the system configuration and nation where the communication device is situated.

The motivation to combine the reference is clear because Eisen et al teaches that a multi-lingual keyboard is needed because of the different languages spoken in countries (column 1, lines 15-27) and Surloff et al teaches that Internet access can be simplified with the configurable keyboard (page 7, paragraph 74, lines 1-7).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5253940 to Abecassis in view of DE 2922006 A1 to Plehn.

Regarding claim 7, Abecassis disclose a communication device (Abecassis discloses a computer but a computer can be used as a communication device (column 1, lines 64-68)) comprising:
a numeric keypad (Figure 1) used to input numeric information, wherein a character allocated to each of keys provided on said numeric keypad can be changed (column 5, lines 20-30, lines 37-42) and the character is allocated to each of said keys according to a predetermined numeric-keypad character layout and wherein said predetermined numeric-keypad character layout is selected among a plurality of predetermined numeric-keypad character layouts by a user (column 5, lines 20-44; Figure 5). However Abecassis does not disclose a recording/outputting: unit creating image data to be recorded on a label based on the selected numeric-keypad character layout, recording an image corresponding to the created image data on the label, and outputting the label on which the image is recorded.

Plehn disclose a recording/outputting: unit creating image data to be recorded on a label based on the selected numeric-keypad character layout, recording an image corresponding to the created image data on the label, and outputting the label on which the image is recorded (see Abstract).

Abecassis and Plehn are combinable because they are in the similar problem area of device with keyboard input.

At the time of the invention, it would have been obvious to a person of ordinary

Art Unit: 2626

skill in the art to combine the keyboard layout image creating system of Plehn with the numerical keyboard system of Abecassis to implement printing of keyboard layout selected by a user.

The motivation to combine the reference is clear because keyboard can be replaced accordingly as taught by Plehn using the system of Plehn (see Abstract).

Other Prior Art Cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5880712 to Goldman disclose data inputting device.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2626

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>.

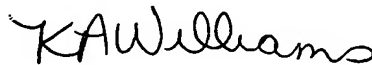
Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Beniyam Menberu

BM

10/01/2005



**KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER**